



**AGREED ORDER GRANTING MOTION FOR RELIEF FROM STAY**

This matter is before the Court on the *Motion for Relief from Stay* [Docket No. 463] (the “Motion”) filed by Emily Izaguirre (the “Movant”).

The Court has jurisdiction over these matters pursuant to 28 U.S.C. §§ 157 and 1334 and the *Second Amended and Restated General Order 26-2019, Procedures for Complex Chapter 11 Cases*, dated February 6, 2023 (the “Complex Case Procedures”). This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2), and venue of this proceeding and the Motion in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

The above captioned debtors and debtors in possession (each a “Debtor,” and collectively, the “Debtors”) and Movant (by and through their undersigned counsel) represent to the Court that the Debtors and Movant consent to entry of the relief sought herein.

**IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED to the extent set forth herein.
2. The automatic stay under 11 U.S.C. § 362 is MODIFIED solely to permit the Movant to liquidate its claims against Debtor OTB Acquisition LLC relating to the Movant’s alleged slip and fall injury in the bathroom at the On The Border location at 7695 N Academy Blvd, Colorado Springs, CO 80920 (as further described in the Motion, the “Claim”), to pursue the Claim solely against Debtor OTB Acquisition LLC’s insurer, provided however, (a) neither the Movant nor the insurer may take collection actions or assert a claim, either as an administrative claim or as an unsecured claim, against the Debtors or their estates for any such amount that is within the self-insured retention of \$250,000.00 or otherwise associated with the Claim, including, without

limitation, any fees, expenses or defense costs of any kind; and any such costs shall not reduce insurance proceeds available to satisfy other covered claims; and (b) the Debtors shall not be required to incur any costs or expenses in connection with any personal injury action or related litigation filed in connection with the Claim. For the avoidance of doubt, pursuant to Section 362(d) of the Bankruptcy Code, Movant may commence and continue a personal injury action in the State of Colorado against the Debtors, and their personnel, with any recovery limited to the Debtors' insurance coverage subject to the conditions set forth herein.

3. Notwithstanding Fed. R. Bankr. P. 4001(a)(3) or anything else to the contrary, this Order is enforceable immediately upon entry.

4. The Court retains jurisdiction with respect to all matters arising from or related to the interpretation or implementation of this Order.

5. Counsel for the Debtors, through Kurtzman Carson Consultants, LLC d/b/a Verita Global ("Verita") shall, within three (3) days of the entry of this Order, cause a copy of this Order to be served by electronic mail or first class mail, as applicable, on the Debtors' insurer with respect to the Claim.

6. The insurer shall have twenty-one (21) days from the service of this Order to file an objection to the relief provided in this Order. If an objection is timely filed, counsel for the Debtors will set such objection for hearing pursuant to the Court's Open Calendar Procedures.

7. If no objection is timely filed, this Order shall be a final Order approving the Motion as set forth herein.

[END OF ORDER]

AGREED TO BY AND REQUEST ENTRY OF:

/s/ Jeffrey R. Dutson

Jeffrey R. Dutson

Georgia Bar No. 637106

Brooke L. Bean

Georgia bar No. 764552

Alice Kyung Won Song

Georgia Bar No. 692753

**KING & SPALDING LLP**

1180 Peachtree Street NE

Atlanta, Georgia 30309

Telephone: (404) 572-4600

Email: jdutson@kslaw.com

Email: bbean@kslaw.com

Email: asong@kslaw.com

*Counsel for the Debtors in Possession*

/s/ William D. Matthews

William D. Matthews

Georgia Bar No. 470865

**ROUNTREE LEITMAN KLEIN & GEER LLC**

Century Plaza I

2987 Clairmont Road, Suite 530

Atlanta, GA 30329

Telephone: (404) 410-1220

Email: wmatthews@rlkglaw.com

*Counsel for the Movant*